

Title 38: WATERS AND NAVIGATION
Chapter 11-A: COMMUNITY SANITARY DISTRICTS

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Maine Revised Statutes
Title 38: WATERS AND NAVIGATION
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§1231. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2005, c. 556, §4 (NEW).]

1. Cluster development. "Cluster development" has the same meaning as in Title 30-A, section 4301, subsection 1-A.

[2005, c. 556, §4 (NEW) .]

2. Community sanitary district. "Community sanitary district" or "district" means a district formed under this chapter to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development as a means of facilitating compact growth patterns, including cluster developments.

[2005, c. 556, §4 (NEW) .]

SECTION HISTORY

2005, c. 556, §4 (NEW).

§1232. FORMATION; EXPANSION

A community sanitary district is formed in the same manner as a sanitary district under chapter 11, except that the board may not approve an application pursuant to section 1101, subsection 3 unless the board finds that: [2005, c. 556, §4 (NEW).]

1. Facilitate compact growth. Creation of the district will facilitate cluster developments or other compact growth patterns;

[2005, c. 556, §4 (NEW) .]

2. Adequate and efficient. The district will provide for the creation of an adequate and efficient means of collecting, conveying, pumping, treating and disposing of domestic sewage within the proposed district; and

[2005, c. 556, §4 (NEW) .]

3. Feasibility and public interest. Creation and maintenance of a wastewater collection, treatment and disposal system by the district will be administratively feasible and promote the public health, safety and welfare.

[2005, c. 556, §4 (NEW) .]

The boundaries of a community sanitary district may be expanded in accordance with section 1162. [2005, c. 556, §4 (NEW).]

SECTION HISTORY

2005, c. 556, §4 (NEW).

§1233. MUNICIPAL SYSTEM; TRANSFER OF ASSETS TO DISTRICT

A municipality that, pursuant to Title 30-A, section 5403, subsection 14 or any other authority, including home rule authority, has constructed a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems shall, after the establishment of a district pursuant to this section to serve the area where that sewer system is located, sell, transfer and convey to the district by appropriate instruments, and the district shall acquire, all properties, assets, rights and privileges identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding debts, obligations and liabilities identified by the municipality as related to that sewer system, including, without limitation, any outstanding notes or bonds identified by the municipality as related to that sewer system that are due on or after the date of the transfer of the sewer system. If any debts, obligations, notes or bonds identified by the municipality are not assumable, the district is obligated for their repayment. The municipality shall identify to the board in the application submitted pursuant to section 1101 all properties, assets, rights, privileges, debts, obligations and liabilities related to the sewer system that are required to be transferred to or assumed by the district under this section. [2005, c. 556, §4 (NEW) .]

The municipality and the district by mutual agreement may arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. [2005, c. 556, §4 (NEW) .]

SECTION HISTORY

2005, c. 556, §4 (NEW) .

§1234. POWERS

Except as provided in this section, a community sanitary district has the powers, privileges and duties and is subject to the requirements and restrictions of a sanitary district under chapter 11. [2005, c. 556, §4 (NEW) .]

1. Powers. A community sanitary district may, within the district, construct, operate and maintain one or more subsurface wastewater disposal systems in accordance with rules adopted pursuant to Title 22, section 42, subsection 3 and applicable municipal ordinances. A district may contract for necessary and appropriate services, including, but not limited to, pumping and disposal services, and do any or all other things necessary or incidental to accomplish the purposes of the district.

[2005, c. 556, §4 (NEW) .]

2. Limited purposes. A community sanitary district may exercise powers granted under this chapter only for the limited purpose of providing subsurface wastewater collection, treatment and disposal services to accommodate residential development.

A. A community sanitary district may not provide services to nonresidential users. [2005, c. 556, §4 (NEW) .]

B. The provisions of section 1160 apply only to residential buildings. [2005, c. 556, §4 (NEW) .]

[2005, c. 556, §4 (NEW) .]

3. Certain powers not available. The following provisions relating to sanitary districts do not apply to a district formed under this chapter:

A. Section 1103, relating to transfer of municipal property and assets; [2005, c. 556, §4 (NEW) .]

B. Section 1151, relating to certain sanitary district powers; [2005, c. 556, §4 (NEW) .]

C. Section 1151-A, relating to certain enforcement powers; [2005, c. 556, §4 (NEW).]

D. Sections 1152, 1152-A, 1153 and 1154, relating to powers of eminent domain; and [2005, c. 556, §4 (NEW).]

E. Section 1157, relating to certain contracting powers. [2005, c. 556, §4 (NEW).]

[2005, c. 556, §4 (NEW).]

SECTION HISTORY

2005, c. 556, §4 (NEW).

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